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Attorneys for Plaintiff
 NICK CANCELLA and all others similarly situated

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND/SAN FRANCISCO DIVISION

NICK CANCELLA, on behalf of himself and
 all others similarly situated,

Plaintiffs,

v.

ECOLAB, INC., a corporation,

Defendant.

Case No. 3:12-cv-03001-CRB

**STIPULATION AND
~~PROPOSED~~ ORDER EXTENDING
 DATES RE: CROSS-MOTIONS FOR
 SUMMARY
 JUDGMENT/ADJUDICATION AND
 SETTING HEARING**

District Judge: Hon. Charles R. Breyer
 Ctrm. 6

Complaint Filed: June 11, 2012
 Trial Date: Not Set

1 This Stipulation is entered into by and between Plaintiff NICK CANCELLA ("Plaintiff")
 2 and Defendant ECOLAB INC. ("Ecolab" or "Defendant") by and through their undersigned
 3 counsel. Plaintiff and Defendant are collectively referred to herein as the "Parties."

4 RECITALS

5 WHEREAS, on June 11, 2012, Plaintiff filed an action in the United States District Court
 6 for the Northern District of California styled *Cancilla v. Ecolab, Inc.*, Case No. CV 12 3001
 7 CRB;

8 WHEREAS, Plaintiff claims, among other things, that Ecolab has misclassified Plaintiff
 9 as exempt from overtime requirements under the Fair Labor Standards Act ("FLSA") and, as a
 10 result, has not provided overtime compensation for overtime hours worked ("FLSA Claims");

11 WHEREAS, the Parties have agreed that before Plaintiff moves to certify the above-
 12 referenced collective actions, the parties will explore the issue of whether Defendant's FLSA
 13 Section 7(i) affirmative defense is appropriate for summary judgment/adjudication;

14 WHEREAS, in order to facilitate the Parties' determination as to whether Defendant's
 15 FLSA Section 7(i) affirmative defense is appropriate for summary judgment/adjudication, and in
 16 order to facilitate any such motions, the Parties have also agreed to prioritize discovery related to
 17 the FLSA Section 7(i) exemption and are currently conducting written discovery and depositions
 18 of Defendant;

19 WHEREAS, the Parties are presently engaged in meet and confer efforts regarding
 20 written discovery and have encountered scheduling conflicts in conducting depositions of
 21 Defendant that impact the filing date set for their cross-motions for summary judgment, currently
 22 ordered to be January 15, 2013 (*see* Docket No. 32);

23 THEREFORE, the Parties stipulate and agree as follows:

24 STIPULATION AND AGREEMENT

25 1. The Parties hereby stipulate and request the Court to order that the following dates
 26 apply to the Parties' cross-motions for summary judgment/adjudication:
 27
 28

Parties to File Cross-Motions For Summary Judgment	February 11, 2013
Parties to File Oppositions to Cross-Motions for Summary Judgment	March 4, 2013
Parties to File Replies to Cross-Motions for Summary Judgment	March 18, 2013
Hearing Date	Friday March 29, 2013 at 10:00 a.m.

2. The Parties further stipulate that all dates referenced in the Stipulation and Order Regarding Tolling of FLSA Statute of Limitations and filing of the Motion for Conditional Collective Action Certification are extended consistent with the schedule listed above. (*See* Docket No. 35.)

Dated: December 6, 2012

/s/ Jody A. Landry
 JODY A. LANDRY
 LINDSEY M. STEVENS
 LITTLER MENDELSON, P.C.
 Attorneys for Defendant
 ECOLAB INC.

Dated: December 6, 2012

/s/John T. Mullan
 STEVEN G. ZIEFF
 DAVID A. LOWE
 JOHN T. MULLAN
 RUDY EXELROD ZIEFF & LOWE LLP
 Attorneys for Plaintiff
 NICK CANCELLA

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NICK CANCELLA

ORDER

The foregoing Stipulation is approved, and IT IS SO ORDERED.

DATED: December 10, 2012

Hon. Charles R. Breyer
United States District Judge

